

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
NOVEMBER 10, 2009**

PRESENT: J.C. Frazier, Michele Moore, Rosalie Murphy, David Olsen, Connie Ryan and Pat Thornton

STAFF PRESENT: Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; other Department staff were present during portions of meeting

GUESTS: Erin Krueger, Funeral Service/Cremation Alliance; Scott Peterson, WI Funeral Director Association (WFDA), Tom Moore (WFDA); and Adam Raschka (WFDA).

CALL TO ORDER

Connie Ryan, Chair, called the meeting to order at 9:45a.m. A quorum of six (6) members was present.

AGENDA

Amendments

- Election of Officers for 2010 as the last item of the day.

MOTION: Pat Thornton moved, seconded by David Olsen, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (AUGUST 4, 2009)

MOTION: Rosalie Murphy moved, seconded by David Olsen, to approve the Minutes of August 4, 2009 as published in the Red Packet with one correction of the spelling of "David Olsen". Motion carried unanimously.

Welcome and Introduction of Public Attendees

The Board invited introductions of public attendees.

**ADMINISTRATIVE REPORT
YOLANDA MCGOWAN, BUREAU DIRECTOR**

Yolanda McGowan announced that this was Peggy Wichmann's last meeting. She is retiring effective November 20, 2009. Ms. McGowan distributed a copy of the conference report. She also indicated that there will be global Board chair training on December 3 & 4. Both the Chair and Vice-Chair will be invited and both are encouraged to attend.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

None.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Attorney Mark Herman presented the Proposed Stipulation, Final Decision and Order in the matter of David J. Betts (07 FDR021, 08FDR 004 and 09 FDR 009)

LEGISLATION/ADMINISTRATIVE RULES

None

EDUCATION AND EXAMINATION

None

PRACTICE ISSUES

Transportation of Human Remains by Non-Licensed Persons – Opinion from Legal Counsel

Peggy Wichmann indicated that since she is not continuing as legal counsel she would not be addressing this item. She would prefer to defer this discussion until the new legal counsel could render their opinion.

Discussion Regarding FC 3.02(9)

Michele Moore told the Board that many of the new cases are a result of ‘personality conflicts’ between licensees and others. Ms. Moore asked the Board to consider developing a rule to cover the mistreatment of clients by a licensed funeral director. J.C. Frazier suggested that the mistreatment might be considered as an ethical dilemma and could be addressed under the ethics rules. Scott Peterson addressed the Board and informed them that the Wisconsin Funeral Directors Association (WFDA) has created an ethics committee to address this very idea. Ms. McGowan suggested that the Board craft a rule to address this issue. Ms. Wichmann mentioned that Attorney Lara Herman (DOE) told the Board that she has found that about 90% of the cases that she has dealt with have the disrespect component.

MOTION: Michele Moore moved, seconded by Rosalie Murphy, to direct Yolanda McGowan to draft a scope statement related to the ethics of the profession. Motion carried unanimously.

TRAVEL

The Board discussed sending a delegate to the 106th annual “The Conference”

MOTION: David Olsen moved, seconded by J.C. Frazier, to appoint Michele Moore as the Board’s delegate to attend the 106th Annual Convention of The Conference on February 25-26, 2010, in Anaheim, CA. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

BOARD MEMBER ACTIVITY

The members of the Board provided updates regarding activities in which they have participated since the last meeting.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: J.C. Frazier moved, seconded by David Olsen, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: J.C. Frazier-yes; Michele Moore-yes; Rosalie Murphy-yes; David Olsen-yes; Connie Ryan-yes; Pat Thornton-yes. Motion carried unanimously.

Open Session recessed at 10:42 a.m.

RECONVENE TO OPEN SESSION

MOTION J.C. Frazier moved, seconded by Michele Moore, to reconvene into Open Session at 12:07 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

APPLICATION REVIEW OR ANY SUBMITTED AFTER PRINTING OF AGENDA

MOTION: Pat Thornton moved, seconded by Michele Moore, to allow renewal of the Funeral Director Apprentice Permit for Beth A. Hill (Permit 4696). Motion carried unanimously.

DELIBERATION ON CASE CLOSINGS, CITATIONS AND CASE STATUS REPORT OR RECEIVED AFTER PRINTING OF AGENDA

07 FDR 005

MOTION: Rosalie Murphy moved, seconded by J.C. Frazier, to close case 07 FDR 005 for prosecutorial discretion (P6) and bring back at the next meeting. David Olsen abstained. Motion carried.

07 FDR 020

MOTION: J.C. Frazier moved, seconded by Pat Thornton, to close case 07 FDR 020 for prosecutorial discretion. (P7) Motion carried unanimously.

08 FDR 021

MOTION: Rosalie Thornton moved, seconded by J.C. Frazier, to close case 08 FDR 021 for insufficient evidence. David Olsen abstained. Motion carried.

09 FDR 014

MOTION: Rosalie Murphy moved, seconded by David Olsen, to close case 09 FDR 014 for prosecutorial discretion. (P2) Motion carried unanimously.

09 FDR 017

MOTION: J.C. Frazier moved, seconded by Rosalie Murphy, to close case 09 FDR 017 for insufficient evidence. David Olsen abstained. Motion carried.

**DELIBERATION ON PROPOSED DECISIONS OR
ANY SIGNED AFTER PRINTING OF AGENDA**

MOTION: Michele Moore moved, seconded by J.C. Frazier, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of David J. Betts (07 FDR 021, 08 FDR 004 and 09 FDR 009). David Olsen abstained. Motion carried.

**DELIBERATION ON PROPOSED DECISIONS OR
ANY SIGNED AFTER PRINTING OF AGENDA**

06 FDR 018 and 07 FDR 020

MOTION: David Olsen moved, seconded by Pat Thornton, to issue an Administrative Warning in the cases of 06 FDR 018 (B.F.F.H.), 06 FDR 018 (B.G.M.) and 07 FDR 020 (N.P.H.). Motion carried unanimously.

EXAMINATION ISSUES

None

CONSULTING WITH LEGAL COUNSEL

None.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required documentation.

ELECTIONS

NOMINATION: Pat Thornton nominated David Olsen as chairperson.
The chair called for additional nominations three times before calling the vote.
David Olsen was elected as chairperson by unanimous vote.

NOMINATION: David Olsen nominated Connie Ryan as vice-chairperson.
The chair called for additional nominations three times before calling the vote.
Connie Ryan was elected as vice-chairperson by unanimous vote.

NOMINATION: David Olsen nominated Rosalie Murphy as Secretary.
The chair called for additional nominations three times before calling the vote.
Rosalie Murphy was elected as Secretary by unanimous vote.

Office	Officer
Chairperson	David Olsen
Vice-Chairperson	Connie Ryan
Secretary	Rosalie Murphy

David Olsen, on behalf of the Baord, congratulated Peggy Wichmann on her retirement and extended her well wishes.

ADJOURNMENT

MOTION: David Olsen moved, seconded by Michele Moore, to adjourn the meeting at 12:16 p.m. Motion carried unanimously.